

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

Criminal No. AMD-04-029

SHELTON HARRIS, *et al.*

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DEFENDANT SHELTON HARRIS'S PROPOSED VOIR DIRE

The Defendant, Shelton Harris, by and through his attorneys, Gerard P. Martin and Paul M. Flannery, requests that this court propound the following questions to prospective jurors on the voir dire examination pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure:

**Prejudice or Bias Resulting from Prospective Juror's
Acquaintance with Any of the Facts, Attorneys,
Witnesses, The Accused, or From Prior Experience**

1. In this case there are four defendants. All defendants are charged in an indictment with having been part of a conspiracy to commit several federal crimes, including racketeering, murder, conspiracy to commit murder, possession of firearms, conspiracy to violate the federal narcotics laws, and one defendant, Mr. Harris, is also charged with witness retaliation. Specifically, the charges are allegedly related to furthering the goals of an alleged drug and racketeering enterprise, which resulted in the shooting deaths of four individuals in Baltimore City and one individual in Baltimore County. While other people were allegedly involved in this enterprise, only these four defendants are on trial in this case.

2. Does any member of the jury panel know either professionally, socially, or personally the presiding judge, Andre M. Davis; the prosecutors, United States Attorney Rod J. Rosenstein or Assistant United States Attorneys Robert R. Harding and Michael C. Hanlon; or

the defense attorneys, Laura Kelsey Rhodes, Michael E. Lawlor, Thomas L. Crowe, James G. Pyne, Barry Coburn, Adam H. Kurland, Paul M. Flannery and Gerard P. Martin?

3. Does any member of the jury panel know any of the accused: Shelton Lee Harris, Jr., Willie E. Mitchell, Shelly Wayne Martin or Shawn Gardner?

4. Does any member of the jury panel know the following witness(es) or their families who may be called to testify? (The Defense requests that the Government supply a list of all its witnesses at this time.)

5. Mr. Harris is charged with a number of violations of federal law relating to firearms and controlled dangerous substances.

(a) Does any member of the jury panel feel strongly about the issue of handguns or other firearms in our society in a way that might impair your ability to judge the case fairly and impartially?

(b) Does any member of the jury panel feel strongly about the issue of drug dealing in our society that might impair your ability to judge the facts of this case fairly and impartially?

(c) If it is established in this case that any of the defendants have been previously convicted of a crime, would that fact cause any member of the jury panel to think it more likely that defendants are guilty of the charges against them in this case?

6. This trial is expected to take eight to ten weeks. Is there any juror who has any serious scheduling problems which may conflict with the trial of this case?

7. Has any member of the jury panel, or your family members, relatives, friends, neighbors, or other persons with whom you are closely acquainted ever been employed by the Baltimore City Police Department, Maryland State Police, the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco and Firearms (ATF), the Drug Enforcement Agency

(DEA), the U. S. Marshals Service (USMS), or any other police department or law enforcement agency?

8. There may be testimony in this case from one or more active or retired police officer(s) or other law enforcement officers from the FBI, ATF, DEA, or USMS. Would you give more or less weight to the testimony of such a law enforcement officer merely because he/she has that status, as opposed to other witnesses in this case?

9. Has any member of the jury panel ever been called for jury duty prior to this occasion even if you did not actually serve on a grand or petit jury? If so, at any time did any judge or attorney make any comment concerning prosecuting attorneys, defense attorneys or defendants or make any remark directed at the character or integrity of prosecuting attorneys, defense attorneys or defendants? Did such remarks affect your ability to sit as a juror? Might they affect your ability to sit as a juror in this case?

10. Has any member of this jury panel served on a jury trial when, after the verdict was rendered, the judge or the attorneys for either side questioned you or made a comment about the case or the parties involved? Would this or any other experience you had as a juror on that/those case(s) affect your ability to sit as a juror on this case?

11. Has any member of the jury panel, a family member, or close friend ever:

- (a) been a witness for the prosecution or the defense in a criminal case or in front of a grand jury?
- (b) been charged with or convicted of a crime?
- (c) been the victim of a crime, accused of a crime or a witness to a crime?
- (d) had any experience with the criminal justice system which would or might affect your ability to sit as a fair and impartial juror in this case?

12. Has any member of the jury panel:

- (a) have any deep-seated feelings or opinions as to the use or ownership of guns or firearms that would prevent you from serving fairly or impartially as a juror in this case?
- (b) already formed any impressions of the guilt or innocence of the defendants in this case?

13. Does any member of the jury panel hold any beliefs related to race, sex, color, religion, national origin, or other personal attributes of the accused, or other witnesses which would or might affect your ability to render a fair and impartial verdict based on the evidence and the law?

**Prejudice or Bias Resulting From Prospective Juror's
Inability or Unwillingness to Abide by Rules
of Law and Instructions of the Court**

14. The fact that the defendants have been arrested and/or charged by indictment is not evidence and must not enter into your deliberation on their guilt or innocence. Is there any member of the jury panel who is unable or unwilling to uphold and abide by this rule of law?

15. The accused in every criminal case is presumed innocent. Unless you are satisfied beyond a reasonable doubt of the accused's guilt solely from the evidence presented in this case, the presumption of innocence alone requires you to find the accused not guilty. Is there any member of the jury panel who is unable or unwilling to uphold and abide by this rule of law?

16. In every criminal case, the burden of proving the guilt of the accused rests solely and entirely on the prosecution. The accused has no burden and does not have to prove his innocence. Is there any member of the jury panel who is unable or unwilling to uphold and abide by this rule of law?

17. Every person accused of a crime has an absolute constitutional right to remain silent and not testify. You may not consider his silence in any way in determining whether he is guilty or not guilty. Is there any member of the jury who is unable or unwilling to uphold and abide by this rule of law?

18. In this case, Mr. Harris and the other defendants have taken a position on a legal issue which may result in their not being present in the courtroom for the trial or part of the trial. Jurors selected to serve in this case should not draw any adverse inference from a defendant's absence from the courtroom during all or part of the trial and should not view their absence from the courtroom as evidence of guilt. Is any juror unable or unwilling to follow the Court's instruction that no such inference should be drawn?

Other Questions

19. Do you or a close friend or family member belong to any group or organization that is active in political, law enforcement, crime victim prevention or rehabilitative matters (*i.e.*, Mothers Against Drunk Driving (MADD), Students Against Drunk Driving (SADD), the American Civil Liberties Union, Alcoholics Anonymous, Narcotics Anonymous, Fraternal Order of Police, National Rifle Association, Crime Watch, Stephanie Roper Committee, crime victim or related groups, etc.)?

20. Do you regularly watch any television programs about law, law enforcement, courts, crime, criminal investigations or mystery?

21. Have you ever known anyone who was murdered?

22. Do you have, or have you ever had, any member of your family, or any of your close friends, in prison?

23. Do you belong to or support any neighborhood crime watch group or organization?

24. Have you, any members of your family or close friends ever been employed by, or made any application for employment with any law enforcement agency or private security or investigative agency such as: a federal, state or local police department, sheriff's department, or constable's office, the Maryland State Police, Baltimore City Police, Baltimore County Police, Housing Authority Police Force, the FBI, ATF, DEA, US Marshals, or State's Attorney Offices, Department of Justice, United States Attorney's Offices, federal or state probation or parole offices, the Federal Bureau of Prisons (BOP), or any state or private correctional agency (DOC), or any other local, state or federal agency or private security force?

25. Have you, your spouse/partner, any members of your family or close personal friends ever been a law student, paralegal or engaged in the practice of law even if you are no longer practicing, or worked as a lawyer, for a lawyer or in a law office, in a courthouse or for a court system or in a legal department for any private business or a government agency?

26. Do you believe that you, or any close friend or relative, has ever been treated unfairly or been the victim of misconduct by the local or state police or federal law enforcement authorities, including the Baltimore City Housing Police or the Baltimore City Police?

27. Have you, any family members or close friends ever volunteered your services to any law enforcement agency or provided confidential information to the police?

28. Have you ever donated money or volunteered time to any victim's rights group or organization or attended as a court supporter for anyone who was a victim or witness in a criminal case?

29. Do you have any biases or prejudices, or hold any particular view, for or against prosecutors such as the U.S. Attorney's Office, or law enforcement agencies such as the FBI, DEA, ATF, US Marshals, or the Baltimore City Police Department?

30. Do you have any biases or prejudices, or hold any particular view, for or against criminal defense attorneys?

31. Do you have any firearms training?

32. Do you, any member of your family or any of your close friends own any guns?

33. Do you, any member of your family or any of your close friends know anyone who was injured or killed by any type of firearm?

34. Are you or any family member a member of the National Rifle Association (NRA) or any organization that advocates the liberalization or strengthening of criminal laws relating to the possession of firearms?

35. Do you or any family members belong to any organization that advocates the liberalization or strengthening of criminal laws relating to drugs?

36. Have you, any members of your family or close personal friends ever worked in any drug or alcohol abuse programs or medial facility or at a volunteer agency that counsels or otherwise assists those addicted to drugs or alcohol?

37. Have you, your spouse, any members of your family or any close friends ever been personally affected in any way by drug related activity?

38. Have you, your spouse, any members of your family or any close friends ever been personally affected in any way by neighborhood gangs?

39. In this case, the defendants, the victims and many of the witnesses are African-American. Do you feel that this fact would in any way affect your ability to decide this case solely on the basis of the evidence presented in court?

40. There will be evidence that the defendants engaged in the recording and/or distribution of rap music? Does any member of the jury panel:

(a) believe that the rap industry promotes or condones violence in any way?

(b) believe that individuals who listen to, enjoy, or record or produce rap music condone violence or are more likely to engage in violence themselves?

41. The government may call witnesses to testify who have entered into plea agreements in the hope of receiving a lesser sentence from a court as a result of their cooperation with the government. Do you have an opinion about such agreements?

42. Is there any other reason not already explained why any member of the jury panel cannot be a fair and impartial juror in this case?

Respectfully submitted,

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Attorneys for Defendant Shelton Harris

(b) believe that individuals who listen to, enjoy, or record or produce rap music condone violence or are more likely to engage in violence themselves?

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